

From: Dave Godbey
To: Microsoft ATR
Date: 1/17/02 9:59pm
Subject: Microsoft Settlement

As posted on your website, <http://www.usdoj.gov/atr/cases/ms-settle.htm#submit> regarding the DOJ/Microsoft settlement, I would like to submit this comment.

I do not believe the current settlement between DOJ and Microsoft is in the best interests of the consumer or the country. I strongly believe the original decision to break up the company is the only sensible way to level the playing field between Microsoft and its non-operating system competitors. Note that its competition in the operating system market is non-existent.

Microsoft is a monopoly, it has abused its position as a monopoly, and it will continue to do so under the current agreement.

Even under the cloud of the current litigation, Microsoft has continue to bundle components in the newly released XP operating system, namely a media player, instant messaging, and others. This is to the detriment of Real and other media player vendors, and to the number of instant messaging vendors.

Clearly these practices are anti-competitive, because when Microsoft makes these component available "free" in the operating system, it is really shifting the costs of delivering those products to the operating system. Consumers tend not to pay for additional components when they already have a "free" one, therefore putting companies like Netscape and Real Networks in jeopardy because they cannot realize substantial revenues from their products, nor the operating system.

1) Microsoft should be allowed to bundle the products. However, consumers must be required to pay for them, and Microsoft must be required to provide an operating system FREE of these products at lower cost should consumers (via the OEMs) request them.

Microsoft must stop hiding the cost of these products (like Internet Explorer) in the operating system so that other companies can realize revenues and better compete with Microsoft.

2) Microsoft must give the same level of access to the operating system to other vendors that it gives to its own applications developers. Why do Microsoft Office and other products open so quickly? Because some of their components reside in the operating system and are therefore "preloaded." This makes the Microsoft products look better than its competitors products. Other features available to Microsoft applications that are not easily available to other vendors products also enhance this perception.

How do we better level the playing field? Structure some sort of breakup of Microsoft. It is the only reasonable and enforceable approach.

Thank you,
David Godbey, Ph.D.